

**DECISION RECORD**  
**Baker County**  
**Recreation & Public Purposes Act Lease**  
**OR 60165**

**Decision**

My decision is to find approximately 1.16 acres of public land suitable for classification for lease to Baker County under provisions of the Recreation and Public Purposes Act of June 14, as amended (43 U.S.C. 869 et seq.). This public land is to be leased to the County for the purpose of constructing and maintaining a roadside rest and picnic area.

The location of the subject land is adjacent to Highway 86 and is within the following described land: WM, T. 9S., R. 44E., sec. 6, lot 4.

The lease of the land to the Baker County is to be subject to all provisions of the Recreation and Public Purposes Act and to all valid existing rights. Rental for the lease area is to be charged at the rate of \$25.00 per year, in accordance with the Special Pricing Schedule.

**Rationale for the Decision**

The proposed project would provide convenient rest stop facilities along a segment of highway where there currently are none. This highway is a designated All-American Road and thus receives more than the typical amount of traffic. The chosen site is a logical place for a rest area and in fact formerly served as a rest area for about 50 years.

The environmental assessment prepared for the action indicates that only minimal impacts would occur as a result of the project. It would not interfere with other uses of the public land or with use of nearby private land.

**Appeal Rights**

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, a notice of appeal must be filed in the BLM office at 3165 10<sup>th</sup> Street, Baker City, Oregon, 97814 within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request), pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993), for a stay (suspension) of effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be also submitted to each party named in this decision and to

the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Recommended by:

s/Penelope Dunn-Woods

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Field Manager, Baker Resource Area

May 25, 2004

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Date

Approved by:

s/David R. Henderson

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Vale District Manager

May 27, 2004

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Date